

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST  
TWO THOUSAND AND FOUR

PRESENT

**THE HONOURABLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION NO.13709 of 2004

Between:

- 1 Kuram Ramulu, S/o. Late Pothuraju,  
R/o. Abbugudem Village, Chandrugonda Mandal,  
Khammam District.
- 2 Pandla Rajulu, S/o. Late Ramaiah,  
R/o. Abbugudem Village, Chandrugonda Mandal,  
Khammam District.
- 3 Beeni Chittamma, W/o. Satyam,  
R/o. Abbugudem Village, Chandrugonda Mandal,  
Khammam District.
- 4 Koram Chinni, S/o. Late Pothuraju,  
R/o. Abbugudem Village, Chandrugonda Mandal,  
Khammam District.
- 5 Rajini Mallaiah, S/o. Late Laxmaiah,  
R/o. Abbugudem Village, Chandrugonda Mandal,  
Khammam District.
- 6 Rajini Ramaiah, S/o. Late Laxmaiah,  
R/o. Abbugudem Village, Chandrugonda Mandal,  
Khammam District.
- 7 Rajini Pullaiah, S/o. Late Ramaiah,  
R/o. Abbugudem Village, Chandrugonda Mandal,  
Khammam District.
- 8 Kuram Veeraiah, S/o. Muthyalu,  
R/o. Abbugudem Village, Chandrugonda Mandal,  
Khammam District.
- 9 Pandha Srinu, S/o. Late Shankraiah,  
R/o. Abbugudem Village, Chandrugonda Mandal,  
Khammam District.
- 10 Rajinni Durgamma, W/o. Late Narayana,  
R/o. Abbugudem Village, Chandrugonda Mandal,  
Khammam District.

- 11 Vasam Krishnanaiah, S/o. Late Narsimma,  
R/o. Abbugudem Village, Chandrugonda Mandal,  
Khammam District.
- 12 Siddini Jamini, S/o. Late Pottaih,  
R/o. Abbugudem Village, Chandrugonda Mandal,  
Khammam District.
- 13 Kankati Baburao, S/o. Rosaiah,  
R/o. Abbugudem Village, Chandrugonda Mandal,  
Khammam District.
- 14 Pandha Ramulu, S/o. Late Paramaiah,  
R/o. Abbugudem Village, Chandrugonda Mandal,  
Khammam District.
- 15 Burugu Raghavulu, S/o. Late Pothaiah,  
R/o. Abbugudem Village, Chandrugonda Mandal,  
Khammam District.
- 16 Rasa Raghavulu, S/o. Late Ramulu,  
R/o. Abbugudem Village, Chandrugonda Mandal,  
Khammam District.
- 17 Bheemini Rajalu, S/o. Late Ramulu,  
R/o. Abbugudem Village, Chandrugonda Mandal,  
Khammam District.

**...PETITIONERS**

AND

- 1 The Chief Conservator of Forests, Khammam.
- 2 The Divisional Forest Officer, Kothagudem, Khammam District.
- 3 The Forest Ranger, Ramavaram, Kothagudem, Khammam District.
- 4 The Mandal Revenue Officer, Chandrugonda, Khammam District.

**...RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction preferably writ of mandamus declaring the action of the respondents 1 to 3 in trying to dispossess us from the land in Sy.No. 170 of Abbugudem Village, Chandrugonda Mandal, Khammam District, total admeasuring Ac. 62.15 gts without initiating any proceedings and without issuing any notice is illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents 1 to 3 not to dispossess the petitioners from the respective lands.

**Counsel for the Petitioners: MR.KOWTURU VINAYA KUMAR**

**Counsel for the Respondents: GP FOR FORESTS**

The Court at the admission stage made the following:

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**ORDER:**

The petitioners who are seventeen (17) in number claim to be members belonging to the Scheduled Tribe. They filed the Writ Petition seeking a direction declaring the action of the respondent Nos.1 to 3, in trying to dispossess them from the land admeasuring Acs.62.15 gts in Survey No.170 of Abbugudem Village, Chandrugonda Mandal, Khammam District without issuing any notice or initiating any proceedings, as illegal and arbitrary. They also seek a consequential direction to respondent Nos.1 to 3 not to dispossess them from their respective lands.

It is the case of the petitioners that they have been in possession of the land in Survey No.170 since 1975, that the Tahsildar of Kothagudem assigned the entire land admeasuring Acs.62.15 gts to the petitioners and each petitioner is in possession of small extent of lands from Acs.2 to Acs.4 and they have been in continuous possession cultivating the land. They allege that the officials of the Forest Department are trying to interfere with the possession without following due process of law. Petitioners also assert that the land in their possession is not forest land and without due process of law, they cannot be interfered.

As seen from the prayer, the petition is filed on mere apprehension. When a Writ of Mandamus is sought in relation to a proposed action, such a Mandamus cannot be issued. However, it is made clear that if the petitioners are in possession as on today, the respondents cannot dispossess them by resorting to coercive steps. If the petitioners are in possession of forest land, they are to be evicted only by following due process of law.

The Writ Petition, with the above observations, is disposed of.

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**(V.V.S.RAO, J)**

4<sup>th</sup> August 2004

RRB

Copy To:

- 1 The Chief Conservator of Forests, Khammam.
- 2 The Divisional Forest Officer, Kothagudem, Khammam District.
- 3 The Forest Ranger, Ramavaram, Kothagudem, Khammam District.
- 4 The Mandal Revenue Officer, Chandrugonda, Khammam District.

5. Two CCs to G.P. for Forests, High Court Buildings, Hyderabad (OUT).
6. Two CD copies.